

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BLACK HILLS NEBRASKA GAS, LLC,
BRIGHTSPEED KANSAS HOLDINGS, LLC,
and NEBRASKA PUBLIC POWER
DISTRICT,

Defendants.

8:24CV425

FINAL ORDER

This matter is before the Court on an Unopposed Motion to Enter Consent Decree ([Filing No. 6](#)), and Notice of Lodging of Proposed Consent Decree ([Filing No. 2](#)). The United States requests that this Court enter the proposed Consent Decree to resolve claims under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), [42 U.S.C. § 9601](#) *et seq.*, and secure cost recovery and injunctive relief regarding the Iowa-Nebraska Light & Power Company Superfund Site (“Site”) in Norfolk, Nebraska.

The Court has carefully reviewed the Consent Decree and the related documents. The Court finds the Consent Decree is fair, reasonable, and in accordance with the CERCLA requirements. The Court notes that a comment from the City of Norfolk Nebraska was received during the public comment period—which has now closed. ([Filing No. 8-1](#).) The City indicated its support for the project set out in the Decree, but expressed a concern about impacts to the community and use of an adjoining street. ([Filing No. 8-1](#).)

The Court finds the Decree adequately addresses the City's concern by requiring consideration and reduction of community impacts. Defendant Brightspeed Kansas Holdings, LLC is required to consider and mitigate impacts to the community through a Community Impacts Mitigation Plan ("CIMP"), which must be submitted to the EPA for comment. ([Filing No. 2-1](#) at CM/ECF p. 197.) The City's comment and contact information have been shared with Defendants so they can communicate with the City in developing the CIMP. This process should ensure that the City's concerns regarding community impacts are addressed.

Accordingly,

IT IS ORDERED that the Consent Decree ([Filing No. 2-1](#)) is hereby entered as the Final Order in this case. The Court will likewise sign the actual Consent Decree, which will then be filed separately.

Dated this 27th day of January, 2025.

BY THE COURT:

A handwritten signature in black ink, reading "Susan M. Bazis". The signature is written in a cursive, flowing style.

Susan M. Bazis
United States District Judge